

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON

LATOYA PROPPS, CARY SAMPSON,
YOLANDA ELIE, and DRUCILLA BRIGGS,

No.: 3:17-cv-01478-JE

Plaintiffs, ORDER

v.

NEGUSSIE SADO,

Defendant.

HERNÁNDEZ, District Judge:

Magistrate Judge Jelderks issued a Findings and Recommendation [5] on October 31, 2017, in which he recommends that the Court dismiss the Complaint, without service of process, for lack of jurisdiction and failure to state a claim upon which relief may be granted. He also recommends dismissing Plaintiffs Sampson, Elie and Briggs as Plaintiffs in this case. This matter is now before me pursuant to 28 U.S.C. § 636(b)(1)(B) and Federal Rule of Civil Procedure 72(b).

Because no objections to the Magistrate Judge's Findings and Recommendation were timely filed, I am relieved of my obligation to review the record *de novo*. *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003) (en banc); *see also United States v. Bernhardt*, 840 F.2d 1441, 1444 (9th Cir. 1988) (*de novo* review required only for portions of Magistrate Judge's report to which objections have been made). Having reviewed the legal principles *de novo*, I find no error.

CONCLUSION

The Court ADOPTS Magistrate Judge Jelderks' Findings and Recommendation [5]. Plaintiff's Motion for Order [3] is DISMISSED as moot. Plaintiffs Sampson, Elie and Briggs are DISMISSED as Plaintiffs, and the Complaint [2] is DISMISSED without prejudice and without service of process. Plaintiff may file an amended complaint, curing deficiencies noted in the Findings and Recommendation, within 30 days of this order. The Court declines to adopt the recommendation regarding entry of judgment at this time because Plaintiff has been given leave to amend her complaint. However, Plaintiff should be advised that failure to file an amended complaint which cures the deficiencies noted may result in the dismissal of this action with prejudice.

IT IS SO ORDERED.

DATED this 21 day of December, 2017


MARCO A. HERNÁNDEZ
United States District Judge